

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAE Y. LEE

Defendant.

CASE NO. CR19-0228-JCC

ORDER

This matter comes before the Court on Defendant's *pro se*¹ motion for compassionate release (Dkt. No. 177).

Only July 22, 2020, Defendant Jae Lee pleaded guilty to conspiracy to solicit and receive kickbacks involving federal health care programs. (Dkt. No. 56.) On May 27, 2022, Defendant was sentenced to 24 months in the custody of the Bureau of Prisons ("BOP") and 12 months of supervised release. (Dkt. Nos. 174, 175.) Defendant moves the Court to allow him to serve his sentence via home confinement. (Dkt. No. 177 at 6.)

A district court generally may not "modify a term of imprisonment once it has been imposed." 18 U.S.C. § 3582(c). A court may, however, reduce a term of imprisonment, "and

¹ As a result of Defendant filing this frivolous motion, his attorneys have moved to withdraw because they consider his course of action "repugnant." (Dkt. Nos. 179 at 2, 181 at 2 (citing Washington RPC 1.16(b).))

1 may impose a term of probation or supervised release with or without conditions that does not
2 exceed the unserved portion of the original term of imprisonment,” based on “extraordinary and
3 compelling reasons.” § 3582(c)(1)(A). Courts cannot consider a defendant’s request for relief
4 under this statute unless the defendant “has fully exhausted all administrative rights to appeal a
5 failure of the Bureau of Prisons to bring a motion on [his] behalf or the lapse of 30 days from the
6 receipt of such a request by the warden of the defendant's facility, whichever is earlier.” *Id.*

7 Here, Defendant has not been assigned to a BOP facility yet—in fact, he has not
8 scheduled a time to surrender to BOP custody. (Dkt. No. 177 at 3.) He has failed to even
9 commence BOP’s administrative remedy process, much less exhaust it.

10 Accordingly, Defendant’s motion is DENIED.

11 DATED this 1st day of July 2022.

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15 John C. Coughenour
16 UNITED STATES DISTRICT JUDGE
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